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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,602	01/23/2002	Michele Crudele	FR920000078US1	7002

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Gerald R Woods
IBM Corporation T81/503
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Research Triangle Park, NC 27709

EXAMINER

CHEN, TE Y

ART UNIT	PAPER NUMBER
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2171

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DATE MAILED: 07/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/055,602

Applicant(s)

CRUDELE ET AL.

Examiner

Susan Y Chen

Art Unit

2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05/06/2002.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-10 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3-2
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____

DETAILED ACTION

Claims 1-10 are presented for examination.

Specification

The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicants' cooperation is requested in correcting any errors of which applicants may become aware in the specification.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 6-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claim 6, it is unclear what does it meant by "existing code sequences identified in the base file into a modified form of the base file".

As to claim 7, it is not understood what applicant try to claim [i.e., what is it meant by "a code check character generating for generating ..."? or "a delta file generating for applying applying..." ? or "a delta distribution package generating for creating..."?].

As to claim 10, it is unclear what is the claimed receiver for?

As to claims 8-9, these claims have the same defect as their base claim, hence are rejected for the same reason.

Because of the ambiguous nature of the claimed subject matters cited in claims 6-10, these claims will not have art rejection at this office action.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Balcha et al. (U.S. Patent No. 6,233,589).

As to claim 1, Balcha et al. (hereinafter referred as '589) discloses a method for updating previously stored files, said method comprising:

a) generating a data integrity code based on the contents of the base file to be updated [e.g., col. 2, lines 56-59; col. 3, lines 21-28];

b) generating a delta file by applying a differencing algorithm to the base file to be updated and to a modified form of the base file [e.g., col. 3, lines 9-11] ; and

c) creating a delta distribution package including the generated data integrity code and the generated delta file [col. 4, lines 61-67].

As to claim 2, excepted the method as recited in claim 1, Balcha further discloses that the step of generating a delta file further includes the step of writing one or more blocks into the delta file, each of said blocks comprising byte offsets identifying the location of code sequence in the base file and a directive to copy the identified code sequence into a modified form of the base file [e.g., col. 3, lines 21 – 54].

As to claim 3, excepted the method as recited in claim 2, Balcha further discloses that the step of generating a delta file further includes the steps of writing one or more new byte sequences into the delta file along with one or more directives defining where such new byte sequences are to be written into the modified form of the base file [e.g. Fig. 4 and associated text; col. 3, lines 50-58; col. 10, lines 31-46].

As to claim 4 excepted the method as recited in claim 3, Balcha further discloses that the additional step of distributing the delta distribution package to one or more endpoint stations on which the base file is already installed [e.g., col. 4, lines 48-67].

As to claim 5, excepted the method as recited in claim 4, Balcha further discloses that the system including the steps of: receiving the delta distribution package in at least one endpoint station in which the base file is already installed; comparing the data integrity code received in the delta distribution package to a data integrity code associated with the base file already installed in the endpoint station; if the data integrity codes match, updating the installed base file by retrieving the directives and code sequences from the delta distribution package and executing the directives to rebuild the installed base file into a modified form of that file [e.g., col. 5, lines 4-39; the example between col. 13 and 14].

Conclusion

To expedite the process of re-examination, the examiner requests that all future correspondences in regard to overcoming prior art rejections or other issues (e.g. 35 U.S.C. 112) set forth by the Examiner prior to the office action, that applicant should provide and link to the most specific page and line numbers of the disclosure where best support is found (see 35 U.S.C. 132).

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Morris (U.S. Patent No. 5,813,017) discloses a system to deduce storage requirement via segmented compression and file difference algorithm in a client/server communication network; Whiting et al. (U.S. Patent No. 5,778,395) discloses an automatic file backup system via file difference and fingerprint data privacy protection algorithm.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Y Chen whose telephone number is (703) 308-1155. The examiner can normally be reached on Monday - Friday from 7:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (703) 308-1436. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



UYEN LE
PRIMARY EXAMINER

Susan Y Chen
Examiner
Art Unit 2171

July 9, 2004